

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
) MDL No. 2419
) Dkt. No 1:13-md-2419 (RWZ)
_____)
THIS DOCUMENT RELATES TO:)
)
)
All Cases Against the Nashville)
Healthcare Defendants)
)
_____)

JOINT STATUS REPORT

Pursuant to the Court’s May 24, 2016 order (Docket #2912), the Nashville Healthcare Defendants¹ and the Plaintiffs’ Steering Committee (“PSC”) jointly submit this status report regarding settlement negotiations between the parties.

The undersigned parties have executed a memorandum of understanding. Plaintiffs have proposed a master settlement agreement and individual releases and are awaiting input from the Defendants.

Defendants state that, despite an agreement to provide Conditional Payment letters related to Medicare liens for individual settling Plaintiffs in May 2016, Defendants have not yet received any such Conditional Payment letters, which Defendants state is necessary for Defendants’ compliance with the Medicare, Medicaid, and SCHIP Extension Act of 2007 (“MMSEA”).

Plaintiffs state that they have engaged a neutral to act as a settlement administrator. The settlement administrator is presently considering a settlement matrix, which will guide the

¹ Defendants Saint Thomas West Hospital f/k/a St. Thomas Hospital, Saint Thomas Health, and Saint Thomas Network (collectively, the “Saint Thomas Entities”); Saint Thomas Outpatient Neurosurgical Center, LLC (“STOPNC”); Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN (collectively, the “STOPNC Defendants”).

allocation of the settlement funds. The parties will notify the Court once a master settlement agreement has been executed.

SAINT THOMAS WEST HOSPITAL,
FORMERLY KNOWN AS ST. THOMAS
HOSPITAL, SAINT THOMAS NETWORK, AND
SAINT THOMAS HEALTH

By their attorneys,
/s/ Sarah P. Kelly
Sarah P. Kelly (BBO #664267)
skelly@nutter.com
NUTTER McCLENNEN & FISH LLP
Seaport West
155 Seaport Boulevard
Boston, Massachusetts 02210
(617) 439-2000
(617) 310-9461 (FAX)

OF COUNSEL:

Yvonne K. Puig*
Texas State Bar No. 16385400
yvonne.puig@nortonrosefulbright.com
Adam T. Schramek*
Texas State Bar No. 24033045
adam.schramek@nortonrosefulbright.com
Eric J. Hoffman*
Texas State Bar No. 24074427
eric.hoffman@nortonrosefulbright.com

NORTON ROSE FULBRIGHT US LLP
98 San Jacinto Blvd. Suite 1100
Austin, Texas 78701
(512) 536-2450
(512) 536-4598 (FAX)

Marcy Hogan Greer*
State Bar No. 08417650
mgreer@adjtlaw.com

ALEXANDER DUBOSE JEFFERSON &
TOWNSEND LLP
515 Congress Avenue, Suite 2350
Austin, Texas 78701-3562
(512) 482-9300
(512) 482-9303 (FAX)

*Appearing *Pro Hac Vice*

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

C.J. Gideon, Jr.**

cj@gideoncooper.com

Chris J. Tardio**

chris@gideoncooper.com

Alan S. Bean*

alan@gideoncooper.com

Matthew H. Cline**

matt@gideoncooper.com

315 Deaderick Street, Suite

Nashville, TN 37238

Ph: (615) 254-0400

Fax: (515) 254-0459

Attorneys for the STOPNC Defendants

*Appearing *Pro Hac Vice*

**Admitted pursuant to MDL Order No. 1

/s/ J. Gerard Stranch, IV

J. Gerard Stranch, IV

Benjamin A. Gastel

BRANSTETTER,STRANCH

& JENNINGS, PLLC

223 Rosa L. Parks Ave., Suite 200

Nashville, TN 37203

Telephone: 615/254-8801

Facsimile: 615/255-5419

gerards@bsjfirm.com

beng@bsjfirm.com

aorlandi@bsjfirm.com

Plaintiffs' Steering

Committee and TN Chair

Annika K. Martin
Mark P. Chalos
LIEFF CABRASER, HEIMANN &
BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: 212/355-9500
Facsimile: 212/355-9592
akmartin@lchb.com
mchalos@lchb.com

Plaintiffs' Federal/State Liaison

Thomas M. Sobol
Kristen Johnson Parker
HAGENS BERMAN SOBOL SHAPIRO,
LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: 617/482-3700
Facsimile: 617/482-3003
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

CERTIFICATE OF SERVICE

This certifies that a true and accurate copy of the foregoing was served on all parties of record by virtue of the Court's electronic filing system this 22nd day of August, 2016.

/s/ Sarah P. Kelly
SARAH P. KELLY